REMARKS/ARGUMENTS

Claims 1, 2, 7, 9 – 15, 17 – 21, 24 and 25 were previously pending. No claims have been amended, added, or canceled. Thus, claims 1, 2, 7, 9 – 15, 17 – 21, 24 and 25 remain pending and subject to examination.

Applicants respectfully request reconsideration of this application based on the following remarks.

Claim Rejections – 35 USC § 103

Claims 1, 2, 7, 9 – 15, 17 – 21, 24 and 25 are rejected under 35 USC § 103(a) as being unpatentable over Bamburak (US Patent Application Publication No. 2005/0113089) in view of Cuffaro (US Patent No. 6,587,686). Applicants respectfully traverse this rejection.

Claim 1 is directed to a method of selecting a desirable system from a list of wireless communications systems stored in a mobile station comprising the following steps:

> maintaining, in the mobile station, a system priority data table based on acquisition/registration attempts by the mobile station with wireless communication systems, the system priority data table including a plurality of entries, each entry representing a single system acquisition/registration attempt by the mobile station and including a signal acquisition identifier, a power measurement, a system access identifier, and a system lost identifier;
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> calculating, in the mobile station, priority criteria from the system priority data to determine desirability levels for respective wireless communication systems, the priority criteria including acquisition success rates, access success rates, and system lost rates, wherein the priority criteria is used to generate and store a priority data summary table in the mobile station, the priority data summary table including an acquisition success rate field, a last power measurement field, an access success rate field, and a system lost rate field;
>
> selecting, by the mobile station, a group of wireless communications systems from the list in accordance with a predetermined system selection procedure, the group of wireless communications systems having a first system acquisition order;
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> reprioritizing, by the mobile station, the group of wireless communications systems in accordance with the priority criteria stored in the priority data summary table, the reprioritized group of

> wireless communications systems having a second system acquisition order based upon respective system desirability levels; and
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> attempting, by the mobile station, to acquire a desirable system based on the reprioritized group of wireless communications systems.

The method of claim 1 recites two tables – a system priority data table and a priority data summary table - where one table is generated, at least in part, from the other table. As explicitly recited in the claim, the first table, i.e. the system priority data table, includes a plurality of entries, each of which represents a single system acquisition/registration attempt. Each entry includes a signal acquisition identifier, a power measurement, a system access identifier, and a system lost identifier. Priority criteria, including acquisition success rates, access success rates, and system lost rates are calculated from the system priority data, and used to generate and store the second table, i.e. the priority data summary table. The priority data summary table includes an acquisition success rate field, a last power measurement field, an access success rate field, and a system lost rate field. Neither Bamburak nor Cuffaro, alone or in combination with each other, disclose or suggest at least this combination of features.

Bamburak does not disclose a system priority data table and a priority data summary table as recited in the pending claims. Bamburak does disclose two tables which are stored in memory at a mobile communication device. However, these tables are very different from the tables recited in the pending claims. As depicted in Figure 9 of Bamburak and described in paragraphs [0035] – [0038], a table may be stored in memory that provides a counter associated with each frequency band in a master search schedule. As shown in Figure 9, the table includes three fields – a priority field, a frequency band field, and a counter field. Thus, clearly, the table depicted in Figure 9 is not a system priority data table including a plurality of entries, each of which having a signal acquisition identifier, a power measurement, a system access identifier, and a system lost identifier. Nor is the table depicted in Figure 9 a priority data summary table including an acquisition success rate field, a last power measurement field, an access success rate field, and a system lost rate field.

As explained in paragraph [0035] of Bamburak, each time the mobile communication

device acquires service from a preferred provided, the counter value associated with the frequency band is incremented to establish a personal roaming history for the user. Thus, not only does the table depicted in Figure 9 lack the fields explicitly set forth in the pending claims, the table **does not** include a plurality of entries each representing a single system acquisition/registration attempt by the mobile station. Rather, a counter is associated with each frequency band, and each time the mobile station acquires service from a provider associated with the frequency band, the counter is incremented. Thus, at best, the table depicted in Figure 9 keeps a cumulative record of acquisitions at each frequency band. Separate entries representing each single acquisition/registration attempt are not disclosed or even suggested by Bamburak.

Bamburak's second table, as depicted in Figure 10, includes fields for priority, system operator code (SOC), and system identifier code (SIC). Each SOC may have associated therewith a plurality of SICs (*see, e.g.*, paragraph [0008] of Bamburak). Thus, like the table depicted in Figure 9, the table depicted in Figure 10 is not a system priority data table including a plurality of entries, each of which having a signal acquisition identifier, a power measurement, a system access identifier, and a system lost identifier or a priority data summary table including an acquisition success rate field, a last power measurement field, an access success rate field, and a system lost rate field.

Though the Examiner first asserts that Bamburak discloses tables including the features described above (*see, e.g.*, pages 3 – 6 of the final Office Action), it appears that the Examiner does recognize at least some of the deficiencies of Bamburak by stating that Bamburak "inexplicitly" discloses the features of "a system lost identifier; criteria including system lost rates; and priority data summary table including an acquisition success rate field, a lost power measurement filed, an access success rate field; and a system lost rate field." The Examiner concludes that such features are well known in the art, and relies on Cuffaro to support this conclusion. Applicants respectfully disagree.

It is noted that Cuffaro is not concerned with selecting a desirable system from a list of wireless communications systems. Rather, Cuffaro is directed to a method of detecting base station transceiver malfunctions in a cellular telecommunications system (*see, e.g.*, Abstract of Cuffaro). Nonetheless, Cuffaro does not disclose or suggest a priority data summary table

including an acquisition success rate field, a last power measurement filed, and an access success rate field, as asserted by the Examiner on page 7 of the Office Action. The Examiner equates the call accessibility data recited in Cuffaro with both the acquisition success rate field and the access success rate fields recited in the pending claims. However, as explicitly set forth in the claims, these are two separate fields.

Moreover, as explained in Applicant's previous response, with regard to call accessibility data, Cuffaro refers only to call setup failure rate and call setup time (see, col. 5, lines 50 – 51). Cuffaro does not disclose or suggest an acquisition success rate field (e.g., a field indicating the rate of successful acquisition of a system) or an access success rate field (e.g., a field indicating the rate of access success of a system). Acquisition and access are two separate and distinct processes. Cuffaro does not disclose or suggest a priority summary table which includes a field indicating a rate of acquisition success and a field indicating a rate of access success.

Cuffaro also fails to overcome the other deficiencies of Bamburak as set forth above. That is, neither Bamburak nor Cuffaro, alone or in combination with each other, disclose or suggest at least the features of maintaining, in the mobile station, a system priority data table based on acquisition/registration attempts by the mobile station with wireless communication systems, the system priority data table including a plurality of entries, each entry representing a single system acquisition/registration attempt by the mobile station and including a signal acquisition identifier, a power measurement, a system access identifier, and a system lost identifier and calculating, in the mobile station, priority criteria from the system priority data to determine desirability levels for respective wireless communication systems, the priority criteria including acquisition success rates, access success rates, and system lost rates, wherein the priority criteria is used to generate and store a priority data summary table in the mobile station, the priority data summary table including an acquisition success rate field, a last power measurement field, an access success rate field, and a system lost rate field. Thus, claim 1 is patentable over Bamburak and Cuffaro.

Independent claims 15 and 21 include similar recitations to those described above in reference to claim 1. Thus, claims 15 and 21 are also patentable over the cited references. Additionally, all of the dependent claims are patentable over the cited references at least by

virtue of their dependence on a patentable independent claim in addition to the individual features each claim recites. Further, each of these dependent claims separately recite a combination of subject matter that is not disclosed or suggested by the cited prior art.

Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 2, 7, 9 – 15, 17 – 21, 24, and 25 under 35 USC § 103(a) as being obvious over Bamburak in view of Cuffaro.

CONCLUSION

In light of these remarks, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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By: _____

Darren M. Simon, Reg. No. 47,946
Direct: 858.845.4272
dsimon@qualcomm.com

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714